

**Summary of Two Telephone Interviews with Examiner on June 1, 2007 and July 9, 2007.**

Applicants thank Examiners for the two telephone interviews extended to their attorney, J. B. Kraft on June 1, and July 9, 2007. In the June 1st interview, Applicants presented a proposed amended representative independent claim 11.

In the June 1 interview, the Examiner noted that the proposed claim 11 would be favorably considered subject to a new rejection i.e. the present rejection of June 5, 2007 which was then in the mailing process of the U. S. Patent Office. In the interview of July 9, 2007, Applicants presented arguments is to distinguish the present claimed invention over the combination of Aycock in view of Moderegger under 35 USC 103. Examiners indicated that Applicants arguments appeared to be persuasive, and that they would also look favorably upon the amended claims if presented in a responsive amendment. They also requested that Applicants indicate a basis in the specification for the terminology: to dynamically determine one of a plurality of quality levels for each of said set of quality attributes,

REMARKS

. Claim 11 has been amended to include the elements of cancelled claims 12, 14, and 16; claim 1 has been amended to include the elements of cancelled claims 2, 4, and 6; and. claim 31 has been amended to include the elements of cancelled claims 32, 34, and 36.

The basis for the terminology, to dynamically determine one of a plurality of quality levels for each of said set of quality attributes may be found in the specification at page

4, lines 25-28, page 10, lines 27-29, referring to Fig. 6, step 76; and in original claims 4, 14, and 24.

Accordingly, it is submitted that remaining claims 1, 3, 5, 7-11, 13, 15, 17-20, 31, 33, 35, and 37-40 are unobvious and patentable under 35 USC 103(a) over Aycock (US5,765,138) in view of Moderegger (US2002/0049642).

As Applicants set forth in the Interview of July 9, 2007, the Examiner has conceded that Aycock does not disclose the generation of a contract requirement after assessing a supplier. Applicants wish to add that Aycock further fails to disclose that the generated contract requirement is based upon the quality level of an assessed attribute of the supplier. In other words, the generated contract requirement must be based on the on the particular supplier's quality assessment.

Although Moderegger discloses assessing the supplier, there is no suggestion in Moderegger of using the quality level of any attribute of the assessed supplier as a basis on which to generate a contract provision. In Moderegger, a set of contract performance requirements are predetermined. Then, several suppliers are assessed as to who would be the best supplier to perform these predetermined requirements. The best supplier is selected and the original predetermined set of unchanged requirements are offered to the selected supplier. No requirement is generated as a result of the assessment of the supplier.

Claims 8, 18, and 38 are submitted to be patentable under 35 USC 103(a) over the combination of Aycock and Moderegger as set forth above further in view of Kansai (US6,647,374). Even if it be conceded that Kansai teaches

PATENT  
09/998,046

the element of a contract requirement involving software supplier risk identification, as specifically set forth in dependent claims 8, 18, and 38, these dependent claims are submitted to be patentable for all of the reasons determined for the patentability of the independent claims 1, 11, and 31, from which the claims respectively depend.

Applicants have considered all of the following cited but not applied patents and publications, and found these references not to add anything further to the issue of obviousness beyond what has been already considered in this prosecution: Bergman et al; Hoyt et al; Koistinen et al; Minder et al; Minder; Whitesage; and Zinky et al.

In view of the foregoing, this Application is submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

*J. B. Kraft 7/10/07*  
J. B. Kraft  
Attorney for Applicants  
Registration No. 19,226  
(512) 473-2303

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

Greg Doudnikoff  
Intellectual Property Law Dept.  
IBM Corporation, BLDG YXSA/B002  
3039 Cornwallis Rd.  
P.O. Box 12195  
Research Triangle Park, NC 27709-2195